

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

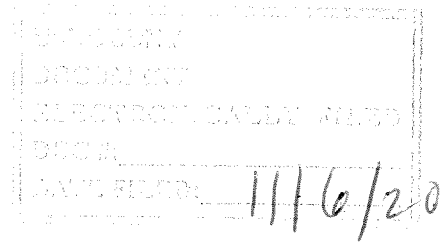
TRUSTEES OF THE LEGACY PLAN OF THE  
NATIONAL RETIREMENT FUND,

Plaintiffs,

-against-

LUXERDAME CO. INC. and JOHN DOES 1-10 (all  
other trades or businesses under common control with  
LUXERDAME CO. INC.),

Defendants.



**19-cv-07056 (VB)**

**DEFAULT JUDGMENT**

This action having been commenced on July 29, 2019 by filing of a Complaint, and Plaintiffs Trustees of the Legacy Plan of the National Retirement Fund ("Plaintiffs") having served copies of the Summons and Complaint upon Defendant Luxerdame Co. Inc. ("Defendant Luxerdame"), a New York corporation, on August 7, 2019 by personal service upon Sue Zouky, Authorized Agent in the Office of the Secretary of State of the State of New York, and proof of such service having been filed with the Court on August 16, 2019, and Defendant Luxerdame not having appeared, answered, or otherwise moved with respect to the Complaint, and the time for appearing, answering or moving having expired, and the Court having issued its Order to Show Cause requiring Defendant Luxerdame to show cause before the Court why a Default Judgment should not be entered against Defendant Luxerdame, and the Court having held a hearing pursuant to the Order to Show Cause, and Defendant Luxerdame having failed to appear at the show cause hearing; it is

**NOW, THEREFORE**, upon application of the Plaintiffs and upon reading the Affidavits of David C. Sapp, Esq., duly sworn the 9<sup>th</sup> day of December 2019, and the Certificate of Ruby J. Krajick, Clerk of Court, United States District Court for the Southern District of New York, noting the default of Defendant Luxerdame, for failure to appear, answer or otherwise move with respect to the Complaint, it is hereby,


**ORDERED, ADJUDGED AND DECREED**, that Plaintiffs have Judgment against Defendant Luxerdame for withdrawal liability in the principal amount of \$126,068.00 with interest thereon computed in accordance with 29 U.S.C. §1132(g)(2), the regulations of the Pension Benefit Guaranty Corporation and the Plaintiff Fund's rules and regulations with respect to employer withdrawal liability from July 1, 2017, the date of the first missed withdrawal liability payment, through the date of judgment in the amount of \$35,299.04, liquidated damages pursuant to 29 U.S.C. §1132(g)(2) and the Plaintiff Fund's rules and regulations with respect to employer withdrawal liability in the amount of \$35,299.04, and costs in the amount of \$400.00, for a total Judgment in the amount of \$197,066.08; and it is further

**ORDERED, ADJUDGED AND DECREED**, that Plaintiffs have Judgment against Defendant Luxerdame permanently restraining and enjoining Defendant Luxerdame and all of its officers, employees, agents, representatives, and all persons acting in concert with them from distributing, alienating, transferring, assigning, encumbering or otherwise disposing of the assets of Defendant Luxerdame, regardless of the amounts, if any, or the nature of the consideration received therefore; and it is further

**ORDERED, ADJUDGED AND DECREED** that interest shall continue to accrue on the amount due under this Judgment at the legal rate as defined in 28 U.S.C. §1961 from the date of entry of this Judgment on Jan. 16, 2020 until the Judgment is fully satisfied.

Dated: 1/16/2020  
White Plains, New York

**SO ORDERED:**

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Honorable Vincent Briccetti  
United States District Judge